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C O N F I D E N T I A L SANTO DOMINGO 001257

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SUBJECT: POLICE UNDER SPOTLIGHT FOLLOWING DEATH OF TWO  
SUSPECTS IN HIGH-PROFILE KIDNAPPING CASE

Classified By: Political-Economic Counselor Alexander Margulies, Reason  
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¶1. (SBU) SUMMARY: The role of the police in the recent deaths of at least two suspects in a high-profile kidnapping case has focused attention on the problem of extra-judicial killings in the Dominican Republic. In the latest case, police claims that the two suspects died in an "exchange of gunfire" were questioned after two groups of local citizens said they had separately captured the suspects and turned them over alive to the authorities. Heavy media coverage of the kidnapping shifted to speculation of police misconduct, resulting in a prosecutorial investigation and an internal Police Inspector General inquiry. The local police officers involved in the incident have been placed under administrative detention. According to the Attorney General's Office, 192 persons were killed by police during the first seven months of this year. Absent media attention, most of these incidents receive minimal further investigation. END SUMMARY.

¶2. (C) The most recent case of extra-judicial killing by the police was in connection with the 9/18 kidnapping of 20 year-old Eduardo Baldera Gomez, the son of a prominent family in the northern town of Nagua, Maria Trinidad Sanchez Province. Twenty-two days later Baldera appeared safe and sound in Guayabin, Montecristi Province. In the interval, the incident became a media sensation. The police concentrated resources on solving the crime, reportedly spending over USD 160,000, carrying-out 198 search warrants, interviewing 490 people, using 204 security patrols, and making 106 arrests/detentions. LEGAT and the FBI's Crisis Negotiation Unit provided negotiating assistance to Baldera's family and to the police; the only USG involvement in the case.

¶3. (U) The police initially claimed that they had freed Baldera, and that two of the latter's kidnappers were subsequently shot dead in an exchange of gunfire. Three police officers were credited with finding Baldera and were immediately rewarded with promotions. The official police account, however, was soon questioned as additional details came to light:

-- Baldera told the press that he had escaped from his captors without police assistance;

-- Local residents came forward to explain that they had responded to police requests for help by apprehending two of the suspects in the case, William de Jesus Checo Batista and

Cecilio Diaz. The former was turned over directly to the police (and a photograph of him sitting in the back of a police car was widely published in the press), while Diaz reportedly was first turned over to officials of the Dominican Navy, which then handed him over to the police.

-- A third suspect, Juan Almonte Herrera, had since disappeared. His relatives told a leading TV journalist that Almonte was taken away by a group of men on 9/28. The following day, police performed a search of Almonte's house and detained those found there for questioning. Also on 9/29, the bodies of two men were discovered burned beyond recognition in the trunk of a car. Speculation that one of the bodies was Almonte's led to noted TV investigative journalist Nuria Piera funding DNA testing of the remains, which turned up negative (NOTE: The Police believe that the bodies are the victims of a dispute between rival drug trafficking gangs. END NOTE).

¶4. (U) The consequent media outcry over these developments was quickly followed by the announcements of a Public Ministry criminal investigation and an internal inquiry by the Police Inspector General's Office. The local police officials involved in the case have been placed in administrative detention. Blood tests are being carried out from samples taken at the site where Checo Batista and Diaz were reportedly shot.

¶5. (C) The National Police have provided Embassy with a copy of the case report on the kidnapping, which relates that:

-- William Checo, on 10/10/09, was captured by local residents and turned over to the local Mayor, who, in turn, handed him over to the police.

-- Checo confessed to being one of the kidnappers, told the police that three of his accomplices were hidden in the mountains nearby and offered to guide the police to where they were hidden.

-- Police teams, guided by Checo, entered the area to search for the accomplices, when one of the teams was ambushed.

-- In the exchange of gunfire that followed, Police Sergeant Catalino de Jesus Perez was wounded and Checo, taking advantage of the confusion, sought to escape through the gunfire, only to be felled by several bullets and killed.

-- One of the suspects firing at the police was also shot and killed during this incident. (NOTE: While not specifically identified as Diaz, the report states that Diaz, along with Checo, are both "killed." National Police Chief Rafael Guzman Fermin, in a 10/26 meeting with Charge and Emboffs, maintained that Diaz was killed in this exchange of gunfire. He added that the media reports stating that Diaz had been captured by local residents and turned over to the Navy and then to the Police were mistaken; that three individuals were handed over in this fashion, but that all three were subsequently released when the police determined that they had no connection with the kidnapping. END NOTE).

-- The residence of Juan Almonte was entered and searched by police on 9/29/09. While Almonte was not present, twelve individuals were apprehended there and subjected to questioning. There is no mention of Almonte being arrested and he is listed as a fugitive. (NOTE: National Police Chief Guzman told Charge that Almonte was not detained and is being sought as one of the leading members of the group behind the kidnapping. Embassy will report on the police investigation of this group Septel. END NOTE.)

¶6. (C) COMMENT: Whether there was any official culpability for the extra-judicial killing of the two kidnapping suspects remains to be determined. The police report on their deaths can be reconciled with the accounts provided by local residents with respect to Checo, whom all agree was handed over alive to the authorities. With regard to Diaz, however,

the police account that he was shot and killed while ambushing a police patrol conflicts with media reports that he was captured by local residents, who turned him over to the Navy, which then turned him over alive to the police. Presumably the criminal investigation by the Public Ministry will determine the validity of police explanations that the media reports mistakenly confused Diaz with other individuals transferred from the Navy's custody to the police.

17. (C) COMMENT (continued): As noted in recent Dominican Republic Country Human Rights Reports, extra-judicial killings by the police remains a continuing concern. According to the Attorney General's Office, 192 persons were killed by the police in the first seven months of this year, while 455 were slain by the police in 2008. Most of these killings, which generally are in connection with criminal activities in the poorer districts, receive minimal further investigation of note. In the Baldera kidnapping case, the huge media attention shone a light on activity such that it could not be ignored, and prosecutorial authorities have vowed to pursue the evidence no matter where it leads. The press, in turn, gives every indication that it will keep its spotlight on the investigation/prosecution. Meanwhile, local human rights groups are calling for the resignation of National Police Chief Guzman and proposing to take the matter up with the Inter-American Human Rights Commission. END COMMENT.  
LAMBERT